



- d) A new declaration signed by the actual inventors as required under 37 CFR 1.63 and permitted by 37 CFR 1.42;
- e) The processing fee set forth in 37 CFR 1.17(i); and
- f) A statement establishing the written consent of the Assignee, NuVasive, Inc, with an accompanying statement under 37 CFR 3.73 set forth on form PTO/SB/96.

Furthermore, Applicant hereby authorizes a payment of the \$130.00 fee for request to correct inventorship to be charged to Deposit Account No.: 50-2040 for Customer No.: 30,328. No other fees are deemed necessary at this time. However, in the event that there are any additional fees to be charged or payments to be credited, the applicants hereby request that any charges or credits be made to Deposit Account No.: 50-2040 for Customer No.: 30,328. In the event that there are any questions concerning the remarks above or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,  
NUVASIVE, INC.

By: \_\_\_\_\_



Rory Schermerhorn, Esq.  
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September 15, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Gharib

Art Unit: 3736

Serial No.: 10/809,280

Examiner: Jonathan M. Foreman

Filing Date: March 25, 2004

**Title:** System and Methods for Performing Surgical Procedures and Assessments

**Certificate of Transmission:** I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office via EFS-Web on September 25 2008.

Signature:

Rory Schermerhorn

**STATEMENT UNDER 37 CFR 1.48(a)(2)**

I, Eric Finley, as part of a Request to Correct Inventorship of the above-captioned U.S. Patent Application under 37 CFR 1.48(a), hereby state that the erroneous inclusion of my name as part of the inventive entity occurred without any deceptive intention.

Signature:

Eric Finley,

9/3/08

Date \_\_\_\_\_

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	James Gharib	Art Unit:	3736
Serial No.:	10/809,280	Examiner:	Jonathan M. Foreman
Filing Date:	March 25, 2004		
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Signature:

Rory Schermerhorn

STATEMENT UNDER 37 CFR 1.48(a)(2)

I, Jamil Elbanna, as part of a Request to Correct Inventorship of the above-captioned U.S. Patent Application under 37 CFR 1.48(a), hereby state that the erroneous inclusion of my name as part of the inventive entity occurred without any deceptive intention.

Signature:

Jamál Elbanna

8/25/08

Date \_\_\_\_\_

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	James Gharib	Art Unit:	3736
Serial No.:	10/809,280	Examiner:	Jonathan M. Foreman
Filing Date:	March 25, 2004		
Title:	System and Methods for Performing Surgical Procedures and Assessments		

Certificate of Transmission: I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office via EFS-Web on SEP 14 2008.

Signature:

Rory Schermerhorn

**STATEMENT UNDER 37 CFR 1.48(a)(2)**

I, Scot Martinelli, as part of a Request to Correct Inventorship of the above-captioned U.S. Patent Application under 37 CFR 1.48(a), hereby state that the erroneous inclusion of my name as part of the inventive entity occurred without any deceptive intention.

**Signature:**

## Scot Martinelli

Date \_\_\_\_\_